REMARKS

Claims 1-12 are pending in this application. For purposes of expedition, claim 1 has been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections while Claims 7-12 have been newly added in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

Claims 1-6 have been rejected under 35 U.S.C. §103 as being unpatentable over Sakai et al., U.S. Patent No. 6,496,397 for reasons stated on pages 2-3 of the Office Action (Paper No. 20031126). However, as the Examiner has acknowledged, the rejection can be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. According, in response to the Examiner's acknowledgement and as required by MPEP 706.02(l)(3), both Applicants' disclosed invention and Sakai et al., U.S. Patent No. 6,496,397 were, at the time Applicants' disclosed invention was made, owned by Hitachi Ltd. This statement alone is sufficient evidence to disqualify Sakai et al., U.S. Patent No. 6,496,397 from being used in a rejection under 35 U.S.C. §103(a) against claims 1-6 of Applicants' disclosed invention.

Nevertheless, base claim 1 has been revised to further define features of the limiter processing unit 13, as shown, for example, in FIG. 6. This way the torque boost voltage is changed when the excitation current (id) is not less than a predetermined value. In other words, the torque boost voltage (finally Vq*) is changed so that the excitation current (id) becomes no greater than a limiting value.

These features, along with other features as currently defined in Applicants' base claim 1, are not disclosed or suggested by Sakai et al., U.S. Patent No. 6,496,397.

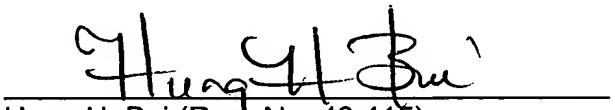
Claims 7-12 have been newly added to alternatively define Applicants' disclosed invention over the prior art of record. These claims are believed to be allowable at least for the same reasons discussed against all the outstanding rejections of the instant application. No fee is incurred by the addition of claims 7-12.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 500.41509CX1), and please credit any excess fees to said deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

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